

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

N.K., filed on behalf of minor S.K. v META
PLATFORMS, INC. et al.
Case No. 23-cv-1584

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**OMNIBUS SEALING STIPULATION
PURSUANT TO THE ORDER
GRANTING MOTION TO FILE UNDER
SEAL; SETTING SEALING
PROCEDURES**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to the Court's Order Granting Motion to File Under Seal; Setting Sealing Procedures ("Sealing Procedures Order") (ECF 341), the Parties, through their undersigned counsel, hereby submit this Omnibus Sealing Stipulation.

The Parties declare in support of this Stipulation:

1. In accordance with Section II of the Sealing Procedures Order, entitled Post-Briefing Omnibus Sealing Procedures, the Parties have conferred regarding the Parties' proposed sealing and redactions in Personal Injury Bellwether Plaintiff S.K.'s Motion for Leave to File Complete Evidence in Support of Plaintiffs' Letter Brief Regarding Personal Injury Bellwether Pool (ECF No. 2009).

2. In accordance with the Sealing Procedures Order, the Parties have created the attached Chart listing the portion of each brief to be redacted.

1 3. The Parties have limited proposed redactions to one category of material: Protected
2 Health Information as defined by the Parties' Stipulated Third Modified Protective Order (ECF 1209).

3 4. Plaintiff states the following:

4 a. Protected Health Information ("PHI"): "has the meaning set forth in 45 C.F.R.
5 §§ 160.103 and 164.501...and includes but is not limited to individually identifiable health information,
6 including demographic information, relating to either (a) the past, present, or future physical or mental
7 condition of an individual; (b) the provision of health care to an individual..." ECF 1209 ¶ 2.19.

8 b. In *A.C. v. City of Santa Clara*, No. 13-CV-03276-HSG, 2015 WL 4076364, at *2
9 (N.D. Cal. July 2, 2015), Judge Gilliam found that when it comes to medical records, "compelling
10 confidentiality concerns outweigh the presumption of public access to court records." *See Dalton v.*
11 *County of San Diego*, No. 3:21-CV-2143 W (WVG), 2024 WL 1319719, at *1 (S.D. Cal. Mar. 27, 2024)
12 (to the extent the exhibits identify a minor and implicate her criminal and mental health history, the
13 documents may be sealed.); *San Ramon Reg'l Med. Ctr., Inc. v. Principal Life Ins. Co.*, No. 10-cv-
14 02258-SBA, 2011 WL 89931, at *1 n.1 (N.D. Cal. Jan. 10, 2011) (finding that confidentiality of medical
15 records under the Health Insurance Portability and Accountability Act of 1996 outweighed *Kamakana*
16 presumption in favor of public access to court records); *Ballou v. McElvain*, No. 3:19-CV-05002-DGE,
17 2023 WL 8236530, at *2 (W.D. Wash. Nov. 28, 2023) (concluding that there is great need to protect
18 sensitive medical information from public disclosure such as plaintiff's mental state, including mental
19 health symptoms). *See also Liaw v. United Airlines, Inc.*, No. 19-CV-00396-WHA, 2019 WL 6251204,
20 at *10 (N.D. Cal. Nov. 22, 2019) (private medical records sealed under higher 'compelling reason'
21 standard); *Pratt v. Gamboa*, No. 17-CV-04375-LHK, 2020 WL 8992141, at *2 (N.D. Cal. May 22,
22 2020). ('compelling reasons' justify sealing Plaintiff's medical records which are deemed confidential
23 under the Health Insurance Portability and Accountability Act of 1996); *Bruce v. Azar*, 389 F. Supp. 3d
24 716, 727 (N.D. Cal. 2019), *aff'd*, 826 F. App'x 643 (9th Cir. 2020) (courts have found under
25 'compelling reason' standard that a party's privacy interests in medical records and private information
26 outweigh the public's interest in access.); *Woods v. City of Hayward*, No. 19-CV-01350-JCS, 2021 WL
27 4061657, at *20 (N.D. Cal. Sept. 7, 2021) (to the extent proposed redactions are based on medical
28

1 privacy, privacy interests related to juvenile correctional records, or the privacy protections of Rule 5.2,
2 plaintiff has shown ‘compelling reasons’ to maintain that material under seal and his requests are
3 narrowly tailored).

4 c. PHI, which is already subject to the Stipulated Second Modified Protective Order,
5 should remain sealed in the Bellwether Briefs, including Plaintiff narratives detailing specific “past,
6 present, or future physical or mental conditions” and “the provision of health care” such as
7 hospitalizations. *See* ECF 1209 ¶ 2.19. The names and the parents’ names of minor plaintiffs should also
8 remain sealed in accordance with F.R.C.P. Rule 5.2(a). The Bellwether plaintiffs, all of whom were
9 injured as minors, should be protected from any potential embarrassment resulting from having their
10 PHI linked to their identities as recognized by this Court and well-established Ninth Circuit precedent.

11 5. Defendants’ position is that Plaintiffs’ medical histories are not subject to absolute
12 protection, given that Plaintiffs have put those medical histories at issue by filing these lawsuits. *See,*
13 *e.g., Howard v. Cox*, 2021 WL 4487603, at *2 (D. Nev. Sept. 30, 2021) (sealing medical records but
14 declining to “require the parties to redact the parts of those records that they quote or paraphrase in their
15 briefs because those points are relevant to [plaintiff’s] claims in this action”); *Cole v. Janssen Pharms.,*
16 *Inc.*, No. 15-CV-57, 2017 WL 2929523, at *3 (E.D. Wis. July 10, 2017) (“To the extent that the
17 information from the medical records is incorporated into other documents filed by the parties or orders
18 issued by this court, that information is relevant to the issues raised in the case and should be available
19 to the public.”). Nonetheless, to obviate the need for the Court to address a sealing dispute, Defendants
20 agree to seal certain material from these briefs without prejudice to their ability to argue that such
21 material should be unsealed in subsequent filings.

22 THEREFORE, in accordance with the Sealing Procedures Order, the Parties stipulate and
23 respectfully request that the Court accept their undisputed requests to maintain the redactions in the
24 Motion for Leave to File Complete Evidence in Support of Plaintiffs’ Letter Brief Regarding Personal
25 Injury Bellwether Pool (ECF No. 2009), as set forth in attached Chart and the duly submitted Proposed
26 Order Addressing All Undisputed Sealing Requests emailed to the Court’s proposed order inbox.

27 IT IS SO STIPULATED AND AGREED.
28

1 Respectfully submitted,

2 DATED: June 26, 2025

By: /s/ Previn Warren

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ATTESTATION

I, Previn Warren, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: June 26, 2025

By: /s/ Previn Warren
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